

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' AND MISSISSIPPI DEPARTMENT OF HUMAN SERVICES'  
RESPONSE TO 30(b)(6) DEPOSITION NOTICE CONCERNING MDHS RECORDS**

**GENERAL OBJECTION**

Plaintiff's Notice to Take 30(b)(6) Deposition of the Department of Human Services filed on or about April 1, 2005 is overly broad, unduly burdensome and seeks information and testimony beyond the scope of this litigation.

In particular, Defendants and Mississippi Department of Human Services ("MDHS") object to the proposed deposition topics to the extent that Plaintiffs seek testimony regarding claims that were dismissed in this action by Order of the Court November 9, 2004.

Without waiving the foregoing objections, and subject to them, Defendants and MDHS respond as follows to the specific topics of Plaintiffs' Notice of 30(b)(6) Deposition of the Department of Human Services regarding the location and maintenance of records as follows:

**TOPIC NO. 1:**

1. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records on individual children in the custody of DHS, including, but not limited to:

- a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual children in the custody of DHS, including, but not limited to information concerning:
  - i. Pre-custodial investigations of maltreatment;
  - ii. Pre-custodial identification of service needs and provision of services;
  - iii. Assessments of children's needs for placement and services;
  - iv. The level of care assigned to each child and per diem to be paid to his/her placement provider;
  - v. Medical needs identified and treatment provided;
  - vi. Dental needs identified and services provided;
  - vii. Education needs identified and services provided;
  - viii. Mental health needs identified and services provided;
  - ix. Reunification needs identified and services provided;
  - x. Adoption needs identified and services provided; and
  - xi. Independent living needs identified and services provided
- b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that records information concerning individual children in the custody of DHS;
- c. Requirements concerning the contents of files and records on individual children in the custody of DHS; and
- d. Regional and/or county variations in policy, procedure, or practice regarding the above.

**RESPONSE TO TOPIC NO. 1:**

Defendants and MDHS state that they have identified Gail Young, Placement Unit Division Director II, as the 30(b)(6) witness as to policies, practices and procedures regarding the creation and maintenance of files and records on individual children in the custody of DHS and Nancy Meadors, Project Officer IV, Special, as the 30(b)(6) witness as to all such documents maintained in the Mississippi Automated Child Welfare Information System ("MACWIS").

Defendants and MDHS state that they have identified Robin Wilson, Program Manager, as the 30(b)(6) witness with regard to topics 1(b) and 1(c).

**TOPIC NO. 2:**

2. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records on individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS, including, but not limited to:
  - a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS, including, but not limited to:
    - i. Information concerning the maximum number, the age range, and any restrictions in terms of gender or special needs of children to be placed in individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS;
    - ii. Information concerning the number, ages, gender, and special needs (if any) of individual children in the custody of DHS who are in individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies

under contract with DHS, that serve as placements for children in the custody of DHS at any given time;

- iii. Information concerning the level of care for which individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS are licensed, approved, or authorized and the per diems to be paid; and
- iv. Waivers, exceptions-to-policy, or other documents allowing the placement of children in the custody of DHS into placements that would otherwise not be permitted by policy, regulation, or law.

- b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS;
- c. Requirements concerning the contents of files and records on individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS; and
- d. Regional and/or county variations in policy, procedure, or practice regarding the above.

**RESPONSE TO TOPIC NO. 2:**

Defendants and MDHS state that they have identified Gail Young, Placement Unit Division Director II, as the 30(b)(6) witness as to policies, practices and procedures regarding the creation and maintenance of files and records set forth in Topic No. 2 and Nancy Meadors, Project Officer IV, Special, as the 30(b)(6) witness as to all such documents maintained in the Mississippi Automated Child Welfare Information System (“MACWIS”).

**TOPIC NO. 3:**

3. Policies, practices and procedures of the Department of Human Services regarding the creation and maintenance of files and records concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS, including, but not limited to:

- a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS;
- b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS;
- c. Requirements concerning the contents of files and records of reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
- d. Regional and/or county variations in policy, procedure, or practice regarding the above.

**RESPONSE TO TOPIC NO. 3:**

Defendants and MDHS state that they have identified Gail Young, Placement Unit Division Director II, as the 30(b)(6) witness as to policies, practices and procedures regarding the creation and maintenance of files and records set forth in Topic No. 3 and Nancy Meadors, Project Officer IV, Special, as the 30(b)(6) witness as to all such documents maintained in the Mississippi Automated Child Welfare Information System (“MACWIS”).

**TOPIC NO. 4:**

4. Policies, practices and procedures of the Department of Human Services regarding the creation and maintenance of files and records concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints by foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS, including, but not limited to:
  - a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
  - b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
  - c. Requirements concerning the contents of files and records of reports and

investigations of alleged violations of any policy against the use of corporal punishment or improper restraints; and

d. Regional and/or county variations in policy, procedure, or practice regarding the above.

**RESPONSE TO TOPIC NO. 4:**

Defendants and MDHS state that they have identified Gail Young, Placement Unit Division Director II, as the 30(b)(6) witness as to policies, practices and procedures regarding the creation and maintenance of files and records set forth in Topic No. 4 and Nancy Meadors, Project Officer IV, Special, as the 30(b)(6) witness as to all such documents maintained in the Mississippi Automated Child Welfare Information System (“MACWIS”).

**TOPIC NO. 5:**

5. Policies, practices and procedures of the Department of Human Services regarding the creation and maintenance of case files and case records by private contract agencies on individual children in the custody of DHS, including, but not limited to:

a. DHS requirements for private contract agencies to create and maintain records on:

i. individual children in the custody of DHS;

ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serve as placements for children in the custody of DHS;

iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and

iv. reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;

- b. DHS requirements for private contract agencies regarding the content of records on:
  - i. individual children in the custody of DHS;
  - ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serves as placements for children in the custody of DHS;
  - iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
  - iv. reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
- c. DHS requirements for private contract agencies to provide to DHS their records on:
  - i. individual children in the custody of DHS;
  - ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serve as placements for children in the custody of DHS;
  - iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
  - iv. reports and investigations of alleged violations of policy against the use of corporal punishment or improper restraints.

**RESPONSE TO TOPIC NO. 5:**

Defendants and MDHS state that they have identified Gail Young, Placement Unit Division Director II, as the 30(b)(6) witness as to policies, practices and procedures regarding the

creation and maintenance of files and records set forth in Topic No. 4 and Nancy Meadors, Project Officer IV, Special, as the 30(b)(6) witness as to all such documents maintained in the Mississippi Automated Child Welfare Information System (“MACWIS”).

This the 6<sup>th</sup> day of May, 2005.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and BILLY MANGOLD as Director of the Division of Family and Children's Services**

**MCGLINCHEY STAFFORD, PLLC**

/s/ Betty A. Mallett  
Betty A. Mallett (MSB #8867)

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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**SO CERTIFIED**, this the 6<sup>th</sup> day of May, 2005.

/s/ Betty A. Mallett  
Betty A. Mallett